

1900-050 Chancery Causes: M. M. Speak vs. Alice Speak
Lee Co.

Johnson, Seale, Tucker, Bales

CA-Divorce
T-Vices

The Hon. H. W. S. Searns, Judge of
the circuit court for Lee County,
Virginia,

Your Orator, M. M. Speak, who
humbly complaining would respectfully
represent, that heretofore about
Dec 15th/888 he inter-married
with one Alice Johnson, with whom
he lived as his wife until Dec 4th
/899 when they separated and have
not lived together since as man
and wife. Your Orator as well as
the said Alice are both residents
of the County of Lee in the state of
Virginia and have been such all
their lives. About the last date
mentioned your Orator learned to
his great surprise & grief that the
said Alice had become unfaithful
to him and was guilty of divers
acts of adultery and fornication with
different men.

Since the knowledge of the acts
of the said Alice ~~became~~ have
been brought home to your Orator
he has ceased to live with her or
recognize her as his wife. They
at once separated from each
other and partitioned ~~the~~ such goods
& chattels as they had between
them.

At the time of said separation

1 and further your Orator did not
2 then have, as he was advised,
3 sufficient legal proof to es-
4 tablish said acts & crime. He
5 has however since that time
6 learned of sufficient facts &
7 circumstances as will sustain
8 this charge against his said
9 wife in the mind of every
10 man.

11 As the issue of said marriage
12 there was born three children
13 all infants of tender years. Your
14 Orator asks that the custody of
15 these children be given to him.
16 He alleges that his wife has been
17 guilty of adultery & therefore unfit
18 to be given the custody of these
19 children.

20 The object of this Bill therefore
21 is to have a decree rendered
22 dissolving the bonds of matrimony
23 hitherto existing between your
24 Orator & the said Alice, to have
25 the control & custody of the said infant
26 children decreed to be in favor of
27 your Orator.

28 The prayer of your Orator is that
29 said Alice be made a party Defen-
30 dant to this Bill & answer the
31 same, but not on oath that
32 being waived, that on a hearing

1 a decree be rendered annulling
2 the said bonds of matrimony &
3 decreeing to your Orator the Custody
4 & Control of the said children
5 And for all other, further &
6 general relief. May your
7 issue &c -

8 Prudence & Lively
9 P. 9.

M. M. Speak

Plffs Costs

Clerk	4.64
Tax	1.50
Shff	50
atty	15.00
N. P.	3.00
Wits	1.50
N H Seals	50
Co clerk	#26.64
	28
	<u>\$26.89</u>

os } Bille in chig

Alice Speak

1900. 1st February Rules

bill filed. Spa executed

" 2nd February Rules Cause
Set for hearing by plff

March Term 1900 Decree
final Order Book No 6
Page 352

1890 to 1900

S.

M. M. Speak Plff

against

Alice Speak Defh

} In chg.

This cause came on this day to be heard upon the Bill of the Plaintiff and the depositions of witnesses and was argued by counsel, and it appearing to the Court that process has been duly served on the defendant Alice Speak, and it further appearing to the Court from the depositions of witnesses that the Defendant Alice Speak has ^{been} guilty of acts of Adultery & the same are clearly proven. On consideration whereof it is adjudged, ordered & decreed that the bonds of matrimony heretofore existing between the Plaintiff M. M. Speak and the Defendant Alice Speak be the same are hereby dissolved & declared null & void & a divorce from said bonds of matrimony is hereby granted unto said M. M. Speak.

It is further adjudged, ordered

M. M. Speak
vs Deere
Alice Speak

Entered on City Ord
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and decreed that the Plaintiff
M. M. Speake may have & retain
the custody of the three ~~children~~
children and the said defend-
-ant is enjoined & inhibited from
interfering with said custody.
And it is further decreed that
the Plaintiff recover of the
defendant the costs of this
suit to be taxed by the
Clerk for which execution
may issue if desired. And
this cause is stricken
from the docket.

M. M. Speck
os 3 Beane
Alice Speck

Enter this
H. A. W. Stone
March 6th 1900

To Alice Speak,

You will please take notice that on the 14th day of Feb. 1900, between the hours 8 A.M. and 5 P.M. at the office of The Big Stone Gap Iron Co., at Rose Hill, Lee County, Virginia, I will proceed to take the depositions of W. G. Tucker and others, which when taken are intended to be read as evidence on my behalf in a certain suit in Chancery, now pending in the Circuit Court of Lee County, Virginia in which I am Plaintiff and you are Defendant. If said depositions are not begun, or if begun and not completed at the said time and place, the taking thereof will be continued from time to time and from place to place until completed.

Feb. 5, 1900.

Respectfully,
P. M. M. Speak.

Virginia, Lee County, to-wit:

Personally appeared before me, Chas, C. Bales

a Notary Public in and for Lee County, Virginia, N.H. Seale and made oath

that on the 5th. day of February, 1900 he delivered to Alice Speak x
in Lee County, Virginia, a

true copy of the within ~~xxxxx~~ notice. Given under my hand this the

14th. day of February, 1900.

Chas. C. Bales

N.P.

M. M. Speak
To M. M. Speak
Alice Speak

and

The depositions of Elbert Bales, C.M. Seale, Jr., ^λ W.Y. Tucker ~~xxx~~_____

_____ taken before me Chas. C. Bales a Notary Public in and for Lee County, Virginia, pursuant to notice hereto annexed, at the office of The Big Stone Gap Iron Company at Rose Hill, Lee County, Virginia on the 14th. day of Feby., 1900, between the hours of 8 A.M. and 5 P.M. to be read in behalf of M.M. Speak in a certain suit in equity pending in the Circuit Court for the said County of Lee, wherein the said M.M. Speak is plaintiff and Alice Speak defendant.

C.M. Seale, Jr. a witness of lawful age being duly sworn deposes as follows:

(Ques.) (1) State your age, residence and occupation?

Ans.) My age is 27. My residence is Lee County, Virginia. My occupation is farming.

(Ques.) (2) Are you acquainted with Alice Speak wife of M.M. Speak and the defendant in this suit?

(Ans.) Yes sir!

(Ques.) (3) At any time within the last five years have you known her to have had carnal knowledge of any man other than her lawful husband?

(Ans.) No sir.

(Ques.) (4) Have you observed any thing in her conduct that led you to believe that she is too intimate with other men than her husband? If ~~x~~ so, please state all you know about it.

Ans.) Yes sir. On the night of January 11th. 1900, M.M. Speak came to me and told me that he had good reason to believe that his wife Alice Speak would have a secret meeting and talk with a man sometime between 4 O'clock and sunrise on the morning of Jany. 12th. 1900. The said M.M. Speak asked me to go and watch the house of the said Alice Speak his wife and see if the meeting occurred. I went slipped up near the house, I saw the said Alice Speak and her father through the window and recognized them by the light of the lamp. I also recognized their voices. When it began to get daylight her father caught his horse and left. By this time it was getting so light that I thought it best to change my position. I went farther from the house inside of the time of two minutes after her father had left she stepped to the front door stood in or near the door a few seconds. She then walked to the yard

gate at the edge of the road and stood there a few seconds and seemed to be looking for some one. She then opened the gate walked across the road into the corner of the fence. She stood there a few minutes. I then saw a man just over the fence close to her. They seemed to be conversing. The man got over the fence to her. They stood together a few seconds. She then walked back into the house. Just at that time I recognized the man to be Elbert Bales. Bales seemed to be watching the door. In a very short time ~~xxxxxx~~ she came back to the door beckoned to Bales and he went into the house with her and the door was closed. I then went to the window saw them in the house close together. I did not see any one else in the house. I heard them talking in low tones as though they did not wish to be heard. She remarked that she would go out and see if any one was around. At this time I thought it was prudent to leave the window and hide. I hid behind the cistern house. I heard her come out around the house where I had been as though she was looking for some one. I heard her go back into the house. I then went to the back of the orchard and watched for the man to leave. In from five to ten minutes I saw Bales leaving the house in a cautious hurried manner. This was on the morning of January, 12th. 1900 from a little before daylight 'till daylight. I went on the morning of January, 18th. 1900 to watch the house of Alice Speak and see whether she had or would have a secret meeting with a man. I saw a man Elbert Bales come to the yard gate. He went into the porch of the house and knocked on the door. I heard some one in the house and heard the door open. Bales came back out into the road, went to the lower end of the garden and crawled through the palings into the garden. He then walked up to the back of the cistern house. I heard some one come out of the house. I then saw Alice Speak come into the garden to Bales at the back of the cistern house. I could hear their voices in conversation. I saw Bales put his arms around her and she had her arms up over his shoulders. They stood in that position talking for about five minutes. Then just before he left her I saw them kiss each other and I heard the smack of their lips in kissing. I heard her laugh and then he left her. This occurred about daylight.

Ques.) (5) Is her reputation good or bad in the neighborhood in which she lives for chastity and virtue?

(Ans.) Not very good.

And further this deponent sayeth not.

C. M. Seale Jr. (Witness)

W.Y.Tucker, another witness being first duly sworn deposes as follows:

(Ques.)(1) State your age, residence and occupation?

(Ans.) I am 42 years old. My residence is Lee County, Virginia.

My occupation is farming.

(Ques.)(2) Are you acquainted with Alice Speak wife of M.M.Speak and x the defendant in this suit?

(Ans.) Yes sir!

(Ques)(3) Have you observed any thing in her conduct that led you to believe that she is too intimate with other men than her husband, if so please state all you know about it?

(Ans.) Yes sir I have. On the evening of January 11th. 1900 M.M.Speak came to me and told me that he had good reasons to believe that his wife Alice Speak would have a secret meeting with a man at or near her house between sundown and dark on that evening. He, M.M.Speak requested me to go and watch the house of the said Alice Speak, his wife and see if the meeting took place. I went. I secreted myself in the rear of the garden in plain view of the house. I first heard a man and woman talking near me and moved up to the fence a little nearer the voices. I saw a woman which I believed to be Alice Speak standing and talking to a man which I believe to have been Elbert Bales. Bales was on the inside of the fence in the corner of a stock field and Mrs. Speak was on the outside of the fence in the edge of the road. They were standing close together with a fence between them. I heard Bales tell her to come over the fence and come farther away from the road. She climbed over the fence to Bales and they walked off together down another fence from the road and house. I don't know how far they went or what became of them. Her father rode up to the gate at this moment

and I was afraid he would discover me and probaly sheet me if he saw me hiding there. So I left. This all occurred about thick dusk on the evening of January 11th.1900. Then between eight and nine O'clock of the same night he M.M.Speak told me that he believe Alice his wife would have another meeting with a man sometime between the hour of four O'clock and daylight on the morning of January 12th.1900. The said M.M.Speak asked me to go again and watch the house of Alice Speak his wife and see whether the meeting took place. I went. I slipped up close to the house. I saw the said Alice Speak and her father through the window and recognized them by the light of the lamp. I also recognized their voices. When it began to come daylight his father caught his horse and left, By this time it was getting so light I thought it best to change my position. I went farther from the house. Inside of x the time of two minutes after her father left Alice stepped to the ~~frn~~ front door stood in or near the door a few seconds. She then went to the yard gate and stood there a few seconds and seemed to be looking for some one. She then opened the gate and walked across the road into the corner of the fence. She stood there a few minutes. I saw a m man over the fence close to her. They seemed to be talking to each other. The man got over the fence and they stood together a few seconds she then walked back into the house. Just at this time I recognized the man to be Elbert Bales. Bales seemed to be watching the door. In a very short time she came back to the door and beckoned to Bales and he went into the house with her and the door was closed. C.M.Seale,Jr. then slipped to the window ~~xx~~ and looked in to see what he could see and hear. Seale came back to me presently. In five or ten minutes I saw Bales leaving the house in a cautious hurrid manner. This all occurred between day-break and day light of the morning of January,12th. 1900. Then on the morning of Jany.18th.1900 I went again to watch the house of the said Alice Speak to see if I could see any more suspicious and adulterous actions, between her and any man other than her husband. I went there just about day break. I presently saw a man cross the road in front of her house. He walked to the yard gate and called to some one in the house. He then went into the porch of the ~~xx~~

house to the front door and knocked on the door and called again.

I heard some one in the house answer him. The door was opened presently and ~~xxx~~ he spoke a few words to some one and they said a few words to him. he then turned and walked back into the road then down the road to the lower end of the garden. Then crept through the paling into the garden and went up through the garden toward the house and stopped behind the cistern house. I then heard some one come out of the house. I saw Alice Speak pass around the corner of the porch and join Bales behind the cistern house. I moved a little nearer and saw ~~x~~ that they had their arms around each other. They stood in that position for some time and talked, I think he asked her to kiss him and ~~xx~~ from the move they made I believe they kissed each other. She laughed and then they parted. By this time it was day light.

(Ques.)(4) Is her reputation good or bad in the neighborhood in which she lives for chastity and virtue?

(Ans) Bad.

Ques.)(5) Where does the Plaintiff now reside?

(Ans.) In Lee County, Virginia.

And further this deponent sayeth not.

W. J. Tucker (Witness)

Elbert Bales another witness being first duly sworn deposes as follows:

Ques.)(1) State your age, residence and occupation?

(Ans.) I am 33 years old. My residence is Lee County, Virginia. My occupation is selling fruit trees.

(Ques.)(2) Are you acquainted with Alice Speak wife of M.M. Speak and the defendant in this suit?

(Ans.) Yes.

(Ques.)(3) At any time within the last five years have you known her to have had carnal knowledge of any man other than her lawful husband?

(Ans.) ~~xxxx~~. I have.

(6)

Ques.(4) Have you observed any thing in her conduct that led you to believe that she is too intimate with other men than her husband?

(Ans.) I have.

Ques. (5) Is her reputation good or bad in the neighborhood in which she lives for chastity and virtue?

(Ans.) Bad.

Ques.(6) Where does the Plaintiff now reside?

(Ans.) Lee County, Virginia.

And further this deponent sayeth not.

Elbert Bales (Witness)

Virginia, Lee County, to-wit:

I Chas.C.Bales, a Notary Public in and for Lee County, Virginia do hereby certify that the foregoing depositions of C.M.Seale, Jr., Elbert Bales and W.Y.Tucker were duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption hereto mentioned.

Given under my hand this the 14th. day

of February, 1900.

Charles C. Bales N.P.

M. M. Speak
oo } Depositions

Alice Speak

Received from M. M.
Speak and filed Feb'y
15th 1900

A. B. Munsey Clerk

N. P. 3.00
Wits 1.50
N. H. Seal 50
for serving 5.00
notice to take depo

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Alice Speak*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held
for the said court, on the *1st* Monday in *February 1900* ~~1899~~, to answer a
bill in chancery exhibited against *her* in our said court by *M. M.*
Speak

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the
court-house, the *24th* day of *January 1900* ~~1899~~, and in the 12 *4th* year of the
Commonwealth.

A. B. Munsey Clerk

M. M. Speak

vs. {

SUBPOENA

IN CHANCERY

Alice Speak

Pridemore & Sewell p. q.

To 1st February Rules.

1900. Circuit Court.

Executed Jan 31st
1900 by delivering
an office tested copy
to Alice Speak
C. W. Ball Sept-
S. L. C. for W. J.
Mileham
J. L. C.